

October 24, 2005
Seven o'clock P.M.
North Little Rock School District Board Room
2700 Poplar
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, October 24, 2005, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (8/0). City Clerk DIANE WHITBEY and City Attorney PAUL SUSKIE were also present.

The invocation was given by Alderman Gipson, followed by the pledge of allegiance to the flag which was led by Alderman Bryant.

On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, the minutes from a regular council meeting held on (Thursday) October 13, 2005, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the motion of Alderman Parker and seconded by Alderman Berry, and by consent of all members present, communication #1 was read by title only, accepted and filed (8/0).

1. Alderman John Parker, memorandum from Tim Marvin, Traffic Services Director re: Temporary Removable Speed Humps.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communication #2 was read by title only, accepted and filed (8/0).

2. Mr. Jim Harvey, CEO Central AR Water, letter to Mayor Hays and City Council re: Proposed Rate Increase (acceptance of communication indicates council's acceptance of the substance of the communication).

Mayor Hays recognized Webelos Pack 259 from Sherwood and Den Leader Richard White who was present with three members of the group. They were working on their citizenship badges.

Mayor Hays invited Fire Chief Joe McCall and Firefighter Jon Miller and his wife Renee to come forward. Chief McCall advised FEMA had requested volunteer Firefighters to assist with humanitarian aid due to Hurricane Katrina and Hurricane Rita. He then read a letter from Brigadier General N. C. Mateo, Fort Lee, Virginia, congratulating Firefighter Miller for his work with the Community Relations Team at Fort Chaffee, helping evacuees who came to our state during their time of need. Chief McCall also read an excerpt from Arkansas Governor Mike Huckabee commending Mr. Miller for his assistance to the evacuees. Mayor Hays presented Firefighter Miller a proclamation in honor of his contributions to the City of North Little Rock and the Katrina and Rita evacuees.

OLD/UNFINISHED BUSINESS

R-05-126

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1324 DIVISION IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was called and withdrawn at the request of the sponsor, Mayor Hays (owner G P Family Trust).

R-05-127

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1624 W. 16TH STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A

PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was withdrawn at the request of the sponsor, Mayor Hays (owner Keith and Debbie Waggoner).

R-05-143

A RESOLUTION AUTHORIZING A DEVELOPMENT RELATIONSHIP BETWEEN THE CITY OF NORTH LITTLE ROCK AND MARINAS NORTH, LLC FOR CERTAIN PROPERTY COMMONLY KNOWN AS THE SMARHOUSE WAY NORTHERN TRACT; AND FOR OTHER PURPOSES, was called and withdrawn at the request of the sponsor, Mayor Hays. Mayor Hays discussed the future Ballpark, parking and use of this seven acre tract (owned by Stephens, Inc.).

R-05-144 (RESOLUTION NO. 6845 - MAYOR HAYS)

A RESOLUTION APPROVING AN AGREEMENT BETWEEN MAIN STREET ARGENTA AND MARINAS NORTH, LLC FOR A PLAN OF DEVELOPMENT FOR REAL ESTATE CONVEYED TO MAIN STREET ARGENTA; AND FOR OTHER PURPOSES, was amended October 13, 2005, to include Exhibit "A", was read (note: Exhibit "B" was included at time of filing) . A motion to adopt was made by Alderman Hight and seconded by Alderwoman Robinson. Mayor Hays advised Main Street Argenta can apply for grants and loans related to environmental protection, and cleanup of lead contamination on the property. Power lines running along the seawall may be relocated. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted as amended (8/0).

O-05-68 (ORDINANCE NO. 7747 - MAYOR HAYS)

AN ORDINANCE ANNEXING A POCKET OF LAND LOCATED AT THE INTERSECTION OF HIGHWAY 165 AND OLD HIGHWAY 30 TO BE TITLED "K M POCKET ANNEXATION" TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING THE "K M POCKET ANNEXATION" A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times September 26, 2005, a public hearing was held October 13, 2005, was read a third and final time. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-71

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 7697 TO REMEDY AN ERROR IN A MAP; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on September 26, 2005, was read a second time on October 13, 2005, was called. Mayor Hays advised this legislation would correct a zoning error related to a concrete plant. The legislation was then held by sponsor, Alderman Parker at the request of Mayor Hays. Alderman Thomas asked if the City Attorney's Office would represent council members should litigation occur.

O-05-72

AN ORDINANCE AMENDING ORDINANCE NO. 7697 REGARDING CONCRETE PLANTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held at the request of the sponsor, Alderman Gipson.

NEW BUSINESS

R-05-146 (RESOLUTION NO. 6846 - MAYOR HAYS, ALDERMAN THOMAS AND ALDERWOMAN ROBINSON)

A RESOLUTION APPOINTING PATRICIA BREWER TO THE NORTH LITTLE ROCK CIVIL SERVICE COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Thomas, and by consent of all members present, the resolution was unanimously adopted (8/0). Mayor Hays recognized Mrs. Brewer who was present and thanked her for her upcoming service to the city.

R-05-147 (RESOLUTION NO. 6847 - MAYOR HAYS)

A RESOLUTION APPROVING SETTLEMENT IN THE UNION PACIFIC BERM MATTER; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Witcher. Mayor Hays advised mandatory arbitration had taken place on this property and that \$40,000.00 has been deposited in the court registry. An additional \$45,000.00 should be appropriated. On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the resolution was amended as follows:: *new Section 2: THE AMOUNT OF \$45,000.00 SHALL BE APPROPRIATED FROM THE SALES TAX CAPITAL IMPROVEMENT FUND and renumber old Section 2 to new SECTION 3 (8/0)*. On the motion of Alderman Hight and seconded by Alderman Parker, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-05-148 (RESOLUTION NO. 6848 - MAYOR HAYS)

A RESOLUTION APPROVING AMOUNTS OF LIENS TO BE CERTIFIED TO THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTIES AS A RESULT OF GRASS CUTTING EXPENSES AND ABATEMENT OF OTHER NUISANCES BY THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Berry. Mayor Hays convened a public hearing. There being no one wishing to be heard, the public hearing was adjourned at 7:35 p.m. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-149 (RESOLUTION NO. 6849 - MAYOR HAYS)

A RESOLUTION ACCEPTING THE LOW BID OF IHP INDUSTRIAL, INC. FOR INSTALLATION OF RPZ VALVES AT THE NORTH LITTLE ROCK CITY SERVICES BUILDING; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Parker, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-150

A RESOLUTION ACCEPTING THE LOW BID OF SIGNS FIRST FOR A SIGN AT THE NORTH SHORE MARITIME CENTER IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Hight. Mr. Joe Smith, Director of Commerce and Governmental Affairs showed an illustration of how the sign would appear and described the location of poles. The current proposal does not comply with the Sign Ordinance. The total square footage is 240. Alderman Witcher said the allowed standard is 129 square feet. Mr. Smith said the sign would serve four entities, including the Arkansas Inland Maritime Museum. It would be located on the seawall where the Gator's Sign was located. The Beacon of Peace and Hope would be on the other side of the seawall. The proposed sign would have changeable panels. Mr. Smith said the purpose of the sign is to advertise to people who are not familiar with the area. After further discussion, the legislation was held by the sponsor, Mayor Hays.

R-05-151 (RESOLUTION NO. 6850 - MAYOR HAYS)

A RESOLUTION APPROVING AND ACCEPTING THE SCHEMATIC DESIGN PACKAGE OF HKS, INC. FOR THE BASEBALL PARK FACILITIES; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-152 (RESOLUTION NO. 6851 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH EAST HARDING/HENSEL PHELPS FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE BASEBALL PARK FACILITIES; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman

Gipson, and by consent of all members present, the resolution was unanimously adopted (8/0). Mayor Hays recognized Mr. Bob East who was present. Mr. East thanked the city for the opportunity to work on the Ballpark project.

R-05-153 (RESOLUTION NO. 6852 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GORMAN DESIGN REGARDING PREPARATION OF A PROPOSAL FOR A DOWNTOWN CORE DEVELOPMENT PLAN FOR THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-154 (RESOLUTION NO. 6853 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN IMPACT STUDY AGREEMENT WITH ENTERGY SERVICES, INC.; AND FOR OTHER PURPOSES, was read. Mr. Joe Gertsch, Director of the North Little Rock Electric Department advised an evaluation will is needed to determine if the power provided by Plum Point can be carried by the Transmission System to North Little Rock. A Transmission Request was made to Entergy in July. This agreement is part of a facilities study agreement. A total of 13 utilities are either going through or will go through this process. The amount of the study should be less than the \$150,000.00 (included in this resolution) and will be budgeted for 2006. On the motion of Alderman Bryant and seconded by Alderwoman Robinson, and by consent of all members present, with the exception of Alderman Witcher who abstained, the resolution was adopted (7/1).

O-05-73 (ORDINANCE NO. 7748 - MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR THE PURCHASE OF REPLACEMENT PARTS FOR THE HYDRO PLANT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Thomas, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Berry and seconded by Alderman Thomas, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading. The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-74 (ORDINANCE NO. 7749 - MAYOR HAYS)

AN ORDINANCE ACCEPTING THE ANNEXATION OF LANDS COMMONLY DESCRIBED AS LANDS TO BE TITLED THE "BAY MEADOWS ADDITION ANNEXATION" TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS AND MAKING BAY MEADOWS ADDITION A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Berry and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-75(ORDINANCE NO. 7750 - MAYOR HAYS)

AN ORDINANCE ACCEPTING THE ANNEXATION OF LANDS COMMONLY DESCRIBED AS LANDS TO BE TITLED THE "MEADOWLANE ACRES ANNEXATION" TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING MEADOWLANE ACRES A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Berry and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended

and the ordinance was placed on its third and final reading (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). Mayor Hays welcomed Mr. Joe Reynolds back into the city limits.

O-05-76

AN ORDINANCE VACATING AND ABANDONING A PORTION OF SUMMERS AVENUE IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held at the request of the sponsor, Mayor Hays.

O-05-77 (ORDINANCE NO. 7751 - ALDERMAN GIPSON)

AN ORDINANCE GRANTING A CONDITIONAL USE FOR A MINOR AUTO REPAIR BUSINESS IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4120 JFK BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

was read. On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0).

Alderman Gipson asked if the property owner (Mr. Jim Nettles) was present. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the ordinance was amended as follows:: *add to Section 2 (6) NO DISPLAY OF ANY VEHICLES FOR SALE AT THIS SITE* (8/0).

Alderman Gipson said legislation was passed to allow the old service station to do minor repair work and noted the business was already operating.

A van and trailer are parked behind the business. This property has been a problem in the past. Alderman Gipson asked Mr. Tom Wadley, Director of Code Enforcement to see if the property has a business license and if it has been operating without a license. On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-78 (ORDINANCE NO. 7752 - ALDERWOMAN ROBINSON)

AN ORDINANCE VACATING AND ABANDONING A PORTION OF NORTH WOODLAND DRIVE IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

was read. On the motion of Alderwoman Robinson and seconded by Alderman Thomas, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0).

Alderwoman Robinson advised the property is located in Glenview on the corner of North Woodland and Young; and is a city easement which runs between two residential properties. The property owners (Mr. Harris and Mr. Harned) have maintained the area since 1956. Alderman Thomas asked how close the Rogers property was to this site. Mr. Rogers lives on South Woodland. Alderman Berry asked if this met city requirements for such things. On the motion of Alderwoman Robinson and seconded by Alderman Berry, and by consent of all members present, the ordinance was amended as follows:: *insert at end of first sentence in Section 1 (prior to legal description) a comma followed by ,* SAVE ANY EXISTING UNDERGROUND UTILITY EASEMENTS (8/0). The ordinance was read a second time as amended. Alderwoman Robinson said property owners and neighborhood associations had been notified of this legislation. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading as amended (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0).

O-05-79 (ORDINANCE NO. 7753 - ALDERMAN HIGHT)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 7616 NORTH HILLS BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-4 TO C-3 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY;

DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Mr. Robert Voyles, Planning Director advised there had been a fire in the building which had been used as a daycare. Alderman Witcher noted a typo in the third whereas which will be corrected from North LITTLE Boulevard to North *Hills* Boulevard. On the motion of Alderman Hight and seconded by Alderman Witcher, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

PUBLIC COMMENTS-----

Mayor Hays congratulated over 42,000 participants in the Race for the Cure Saturday, October 22, 2005, and thanked all of the volunteers who helped receive them in North Little Rock including the High School Band and the Community Concert Band. Mayor Hays met with the contractor and supplier working on the City Hall Council Chambers renovations. The project should be completed shortly after the first of the year (2006) (including audio and video installation). Mayor Hays has been meeting with Judge Buddy Villines and other Mayors from Pulaski County regarding the lack of available beds at the County Jail. A permanent solution will require a significant revenue source. Alderman Gipson visited with Finance Director Bob Sisson to look for solutions and said all cities in Pulaski County will have to participate in these efforts. Alderman Gipson visited with Mr. Tim Marvin, Traffic Services Director regarding traffic problems around the Northeast Campus. A road from Waterside could be considered or a computer controlled stop light might help. Alderman Witcher distributed copies of a proposed Sign Overlay District for the Camp Robinson Area from 47th Street to an undetermined point. This would coincide a proposed Highway Project from 47th Street to the North interchange of Remount Road and Camp Robinson. Alderman Witcher will ask Ward 3 Aldermen to consider cosponsoring legislation regarding the same. Mayor Hays thanked Mr. Jim Ard for providing sound equipment during the Race for the Cure. Mr. Ard said MEMS Unit # 129 had been speeding through posted areas. Mr. Bobby Taylor said the Morgan Portable Building is still a problem in his neighborhood. Previous structures located on the property faced Boyer and Middle Streets. Both tenants would have to park behind the building. He advised he has never agreed on this building being at this location and discussed the brick work and condition of the siding. Sergeant Herman Hutton, Pulaski County Sheriff's Department spoke regarding the situation at the County Jail and announced he is a candidate for Pulaski County Sheriff. Mr. Joe Reynolds thanked the council for supporting their annexation and said everyone who signed the petitions wanted to be a part of North Little Rock. Mr. Scott Miller and Ms. Shirley Simpson are members of County Jail Reform Now and have meet with groups from around the county trying to find solutions pertaining to the jail. The jail is in a crisis mode and is closed 90% of the time to all except the most violent offenders (i.e. murder, rape, robbery). The group has asked Judge Villines to form a task force of community leaders and elected officials from within the county which could meet in each entity to discuss solutions and/or develop a consensus. Mr. Miller asked the council to adopt a resolution urging Judge Villines form said task force to address the jail issues. A task force would not be a financial obligation but would build community support. Mrs. Simpson said the group was formed in August and has been told by the Police Chief and Police Officers that the jail is closed 50% to 70% of the time. The general public does not realize the Regional Jail is being closed. Their group is notifying the public with flyers, meetings and petitions. Police Chief Danny Bradley said the policy on the jail closing is (mentioned above - murders, rapists, robbers) to hold violent offenders and makes room for those persons. Most individuals arrested for burglary, stealing (theft) or drug offenses are released. Mr. Miller said Judge Villines has committed to making space available for the most violent persons. Alderwoman Robinson supports a task force. Chief Bradley said Pulaski County Jail Management determines who will be incarcerated or not. Chief Bradley said maximum time in the processing center is 23 hours. Financial requirements to reopen the book-in site in North Little Rock would be substantial. Alderman Gipson noted a large number of bankruptcy filings in the paper for people living in North Little Rock and Sherwood. These filings effect city revenue as these funds cannot be

collected. Mayor Hays advised the Friendly Chapel Annual Fish Fry is Friday, October 28, 2005, at 5:00 p.m. at Alltel Arena and tickets can be purchased at the door.

There being no further business to come before the Council, and on the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the meeting adjourned at 8:55 p.m. (8/0), until the next regular meeting to be held on Monday, November 14, 2005, at seven o'clock p.m. in the North Little Rock School Administration Building Board Room, located at 2700 Poplar, in the Administration Office Board Room, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS

ATTEST: DIANE WHITBEY, CITY CLERK